

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

*Cleveland Bakers and Teamsters Health
and Welfare Fund, et al. v. Purdue
Pharma L.P., et al.*

Case No. 1:18-op-45432-DAP

MDL No. 2804

Case No. 1:17-md-2804

Hon. Dan Aaron Polster

**MANUFACTURER DEFENDANTS' MOTION FOR LEAVE TO FILE
A MOTION TO CERTIFY THE COURT'S FEBRUARY 21, 2020 ORDER
FOR IMMEDIATE APPEAL UNDER 28 U.S.C. § 1292(b)**

The undersigned pharmaceutical manufacturers (the “Manufacturer Defendants”) respectfully request leave to file a motion, pursuant to 28 U.S.C. § 1292(b), to certify for immediate appeal this Court’s February 21, 2020 Opinion and Order, Doc. 3177 (“Order”), denying, as relevant here, their motion to dismiss the RICO claims brought by Plaintiffs Cleveland Bakers and Teamsters Health and Welfare Fund and Pipe Fitters Local Union No. 120 Insurance Fund (the “Third-Party Payors”).

Attached hereto are the Manufacturer Defendants’ proposed motion, memorandum of law in support of that motion, and a proposed order granting the Manufacturer Defendants’ motion to certify under § 1292(b). *See* Exs. A-C. For the reasons explained in the Manufacturer Defendants’ memorandum of law, *see* Ex. B, certification of the Order is warranted to give the Sixth Circuit an opportunity to immediately review the denial of dismissal of the Third-Party Payors’ civil RICO claims seeking treble damages. Accordingly, the Manufacturer Defendants request leave to file the attached motion and supporting papers.

Dated: April 6, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on April 6, 2020, I filed the foregoing with the Clerk of the Court using the ECF System which will send notification of such filing to the registered participants identified on the Notice of Electronic Filing.

/s/ Jonathan Stern

Service Attorney